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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT
Attorney Docket No.: 02307E-084210US
DHHS Ref. No.: 98-122-2

On 9-30-03

TOWNSEND and TOWNSEND and CREW LLP

By: Karen Karlin

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TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Zuker et al.

Application No.: 09/361,630

Filed: July 27, 1999

For: NUCLEIC ACID ENCODING
PROTEINS INVOLVED IN SENSORY
TRANSDUCTION

Examiner: Winkler, U.

Art Unit: 1648

PETITION UNDER 37 C.F.R. § 1.181(a)
TO WITHDRAW HOLDING OF
ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition under 37 C.F.R. § 1.181(a) and MPEP § 711.03 to withdraw the holding of abandonment for the above-referenced patent application.

As evidence, the following items are submitted herewith:

Exhibit A: A copy of the patent application docket records for Application No. 09/361,630, where the non-final Office Action (mailed August 13, 2002) would have been entered had it been received and docketed.

Exhibit B: A copy of Power of Attorney by Assignee for this application.

10/08/2003 AWONDAF1 00000083 201430 09361630

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REMARKS

According to PAIR from the PTO web site, a non-final Office Action was mailed on August 13, 2002, for the above referenced patent application. The application was deemed abandoned on April 7, 2003, as no response to the non-final Office Action was received by the PTO.

Applicants submit that the Notice of Abandonment is in error, because the non-final Office Action of August 13, 2002, was never received by Applicants' representative. Applicants' undersigned representative has conducted a search of the file jacket of the present application and has discovered no indication that the non-final Office Action mailed August 13, 2002, was ever received by Applicants' representative. Pursuant to MPEP §711.03(c)(II), a copy of the docket records for this application is submitted to indicate that the Office Action was not received. The last entry in the records was dated February 17, 2002 (see Exhibit A).

Because the undersigned remains Applicants' legal representative (see Exhibit B), the mailing of the final Office Action of August 13, 2002, and the Notice of Abandonment to any other party is an error on the part of the PTO. The evidence submitted and described herein demonstrates that Applicants never received either of the two items. Applicants therefore respectfully request grant of the petition and withdrawal of the holding of abandonment for the above-referenced patent application.

Should the petition to withdraw holding of abandonment not be granted, Applicants petition in the alternative to revive the above-referenced application under 37 C.F.R. § 1.137(b) as unintentionally abandoned for failure to timely respond to the non-final Office Action mailed August 13, 2002. Applicants request revival of the application and authorize payment of the petition fee, pursuant to 37 C.F.R. 1.17(m), in the amount of \$665.00 for a small entity from Deposit Account No. 20-1430 of the undersigned.

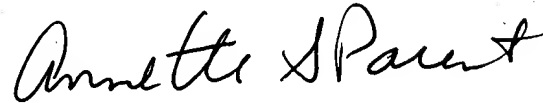
Applicants further state that the entire delay in filing the petition pursuant to 37 C.F.R. 1.137(b)(3), from the final due date for responding to the Office Action mailed August 13, 2002, to the filing of a grantable petition, including the delay from the date of discovery of the abandonment of the application, was unintentional.

Please charge any additional fees or credit overpayment to the above deposit account.

CONCLUSION

If a telephone conference would expedite consideration of this matter, the Examiner is invited to telephone the undersigned at (415) 576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Annette S. Parent". The signature is fluid and cursive, with a large initial "A" and a stylized "P".

Annette S. Parent
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
ASP:cg
60033100 v1

Patent Property Status ReportClick [here](#) to notify Docketing of a ch**Download Status Report****Results for:****Records Returne****02307E****The Regents of the University of California**

Office of Technology Transfer
1111 Franklin St., 5th Floor
Oakland, CA 94607-5200
(510) 587-6000

TTC Ref Country ATTY(s) Handling	Client's Ref	Title	Inventor	Appl No. Filing Date	Pat No. Issue Date	Status and Remarks
02307E-084210US ASP (KAW)	98-122-2	Nucleic Acids Encoding Proteins Involved in Sensory Transduction	Zuker, Charles S. Adler, Jon Elliot Lindemeier, Juergen COWAN, DAVID M.	09/361630 07/27/1999		Pending claims priority from 60/094,464, filed 7/28/98; cpa filed 6/17/02; filing receipt 8/18/99; corr.11/1/99, 1-10-02; 6/06/01; replacement 10-16-01 assignee: The Regents of the University of California recordation date 10/19/99 (notice 1/14/00); reel 010318 confirmation # 5750 Response to Notice of Missing Parts (1st Deadline): 10/12/1999 **Completed** Restrictions Requirement Deadline: 07/07/2000 **Completed** Response to Office Action: 02/07/2001 **Completed** Response to Final Office Action due (1st Deadline or Ext): 09/15/2001 **Completed** Appeal Brief: 02/17/2002 **Completed**



PTO/SB/21 (08-03)

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/361,630
	Filing Date	July 27, 1999
	First Named Inventor	Zuker, Charles S.
	Art Unit	1648
	Examiner Name	U. Winkler
Total Number of Pages in This Submission	Attorney Docket Number	02307E-084210US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition Under 37 C.F.R. § 1.181(a) to Withdraw Holding of Abandonment <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <small>(please identify below):</small> Return Postcard; Exhibit A: copy of patent application docket records for this application; Exhibit B: copy of Power of Attorney by Assignee for this application
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Townsend and Townsend and Crew LLP Annette S. Parent Reg. No. 42,058	
Signature	<i>Annette S Parent</i>	
Date	9/30/03	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Karen Karlin		
Signature	<i>Karen Karlin</i>	Date	9-30-03

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on February 9, 2000

TOWNSEND AND TOWNSEND AND CREW LLP

By Jennifer K. Hardi

#24
PATENT

Attorney Docket No. 02307E-084210
UC Case No. 98/122-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Zuker et al.

Serial No.: 09/361,630

Filed: July 27, 1999

For: NUCLEIC ACIDS ENCODING
PROTEINS INVOLVED IN
SENSORY TRANSDUCTION

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 CFR § 3.71**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Kevin L. Bastian, Reg. No. 34,774; M. Henry Heines, Reg. No. 28,219; Laurence J. Hyman, Reg. No. 35,551; Jeffry S. Mann, Reg. No. 42,837; Annette S. Parent, Reg. No. 42,058; Timothy L. Smith, Reg. No. 35,367; William M. Smith, Reg. No. 30,223; Kathleen L. Choi, Reg. No. 43,433; Joseph R. Snyder, Reg. No. 39,381; Eugenia Garrett-Wackowski, Reg. No. 37,330; Ellen Lauver Weber, Reg. No. 32,762; Kenneth A. Weber, Reg. No. 31,677; all of the firm of

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Townsend and Townsend and Crew LLP, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with 37 CFR § 3.71.

An assignment of the entire interest in the above-identified subject application:

☒ was recorded on October 19, 1999 at reel/frame
010318 / 0288.

☐ is being concurrently submitted under separate cover to Attn: Box

Assignments for recording, a copy not for recordation is enclosed.

Please direct all telephone calls to Annette S. Parent and all correspondence relative to said application to the following address:

Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834

ASSIGNEE:

THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA

Signature:

Linda S. Stevenson

Typed Name:

Linda S. Stevenson

Title:

Principal Prosecution Analyst

Office of Technology Transfer
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

Dated: February 8, 2000

Patent Assignment Abstract of Title

Total Assignments: 2

Application #: 09361630 **Filing Dt:** 07/27/1999

Patent #: NONE

Issue Dt:

PCT #: NONE

Publication #: NONE

Pub Dt:

Inventors: CHARLES S. ZUKER, JON E. ADLER, JUERGEN LINDEMEIER, DAVID COWAN

Title: NUCLEIC ACIDS ENCODING PROTEINS INVOLVED IN SENSORY TRANSDUCTION

Assignment: 1

Reel/Frame: 010417/0947

Received:
12/08/1999

Recorded:
11/11/1999

Mailed:
03/02/2000

Pages:
3

Conveyance: CONFIRMATORY LICENSE (SEE DOCUMENT FOR DETAILS).

Assignor: UNIVERISTY OF CALIFORNIA

Exec Dt: 09/03/1999

Assignee: NATIONAL INSTITUTES OF HEALTH, THE
6705 ROCKLEDGE DRIVE
BETHESDA, MARYLAND 20892

Correspondent: THE NATIONAL INSTITUTES OF HEALTH
KIM CHUBBS
6705 ROCKLEDGE DRIVE, SUITE 1040
MSC 7980
BETHESDA, MARYLAND 20892-7980

Assignment: 2

Reel/Frame: 010318/0288

Received:
10/22/1999

Recorded:
10/19/1999

Mailed:
01/14/2000

Pages:
4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: ZUKER, CHARLES S.

Exec Dt: 09/27/1999

ADLER, JON ELLIOT

Exec Dt: 09/27/1999

LINDEMEIER, JUERGEN

Exec Dt: 09/23/1999

COWAN, DAVID

Exec Dt: 09/28/1999

Assignee: REGENTS OF THE UNIVERSITY OF CALIFORNIA, THE
1111 FRANKLIN ST., 12TH FLOOR
OAKLAND, CALIFORNIA 94607

Correspondent: TOWNSEND AND TOWNSEND AND CREW LLP
ANNETTE S. PARENT
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Search Results as of: 10/27/2003 2:38:17 P.M.